

// A special meeting of the Council of the City of Lynchburg, recessed from May 9, was held on the 23rd day of May, 2006, at 1:00 P.M., Second Floor Training Room, City Hall, Joan F. Foster, Vice President, presiding. The purpose of the meeting was to conduct a work session regarding several items. The following Members were present:

Present: Dodson, Foster, Gillette, Helgeson, Johnson, Seiffert 6

Absent: 0

// City Manager Kimball Payne informed of an item not on the agenda. Mr. Payne explained that at the earlier Physical Development Committee (PDC) meeting, the Committee discussed the proposal for an observation platform on the Percival's Island Bridge rather than at the foot of Ninth Street as the City's contribution to the Jamestown 2007 celebration. Mr. Payne went on to say that the \$60,000 cost for the observation platform would come from the monies appropriated each year for the downtown area. Parks and Recreation Director Kay Frazier provided detailed information regarding the observation platform. Council Members Dodson and Helgeson questioned the need and the costs associated with the project. Other Council Members commented that the funds would come from monies already appropriated for downtown and that the project would add to the beautification of the downtown area. Following discussion, and on motion of Council Member Johnson, seconded by Council Member Seiffert, Council by the following recorded vote instructed staff to proceed with the implementation of the observation platform on the Percival's Island Bridge and to fund the \$60,000 cost for the platform from the monies appropriated each year for the downtown area:

Ayes: Foster, Gillette, Johnson, Seiffert 4

Noes: Dodson, Helgeson 2

// Commissioner of the Revenue Mitch Nuckles explained that during a work session on the FY 2007 Budget, Council discussed the distribution of budgeted funds for the Tax Relief for the Elderly program and asked staff to prepare a scenario that would show the distribution geared to providing relief based primarily on income rather than net worth. Mr. Nuckles also noted that Council suggested that the amount of relief be tied to how the household income compared to Federal poverty level guidelines. Mr. Nuckles provided an overview regarding three scenarios for the distribution of budgeted funds for the Tax Relief for the Elderly program, i.e., Scenario A partially follows Council's guidance in that individuals with incomes less than 150% of the Federal poverty guidelines would receive 100% relief and minimizes the negative impact on those already receiving relief under the current protocol; Scenario B completely follows Council's guidance in that individuals with incomes greater than 200% of the Federal poverty guidelines would receive no relief, but that this scenario significantly reduces the tax relief currently being provided; and Scenario C would provide a lump sum to anyone who met the basic qualifications. Council Members discussed the pros and cons of all three scenarios and following discussion, Council Member Johnson made a motion, seconded by Council Member Gillette, to adopt Scenario A, which has a four tier scale (100/75/50/25) and which minimizes the negative impact on those already receiving relief under the current protocol:

Ayes: Dodson, Foster, Gillette, Johnson, Seiffert 5

Noes: Helgeson 1

// Interim Financial Services Director Donna Witt provided a demonstration regarding an expansion of services offered to citizens through the City's Online Payment Center.

// Emergency Coordinator Les Puckett provided a brief overview regarding the Region 2000 All Hazards Mitigation Plan/Flood Mitigation Plan dated March 2006. On motion of Council Member Helgeson, seconded by Council Member Johnson, Council by the following recorded vote adopted Resolution #R-06-062, as presented, adopting the Region 2000 All Hazards Mitigation Plan/Flood Mitigation Plan dated March 2006:

Ayes: Dodson, Foster, Gillette, Helgeson, Johnson, Seiffert

6

Noes:

0

// Public Works Director Dave Owen provided an update regarding the Regional Solid Waste Management Initiative. Mr. Owen explained that the next step would be for City Council to adopt a resolution supporting the concept of implementing the Regional Solid Waste Management Initiative and directing staff to continue efforts to successfully form the regional solid waste management entity. On motion of Council Member Helgeson, seconded by Council Member Gillette, Council by the following recorded vote adopted Resolution #R-06-063, as presented, supporting the concept of implementing the Regional Solid Waste Management Initiative and directing staff to continue efforts to successfully form the regional solid waste management entity:

Ayes: Dodson, Foster, Gillette, Helgeson, Johnson, Seiffert

6

Noes:

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// City Planner Tom Martin provided a brief overview regarding the Fifth Street Corridor Master Plan, explaining that the purpose of the Plan is to provide a vision and blueprint for the revitalization of the Fifth Street corridor between Main Street and the Martin Luther King, Jr. Memorial Bridge. The main focus of Council's discussion concerned the proposed removal of one traffic lane on Fifth Street, its impact on certain existing businesses, and whether removal of the traffic lane would significantly impede the flow of traffic to and from the downtown area. Some Council Members commented that they would support the Plan since it was developed by the citizens in the community and contained a vision of what they wanted their community to look like in the future. In response to Council questioning, City Manager Kimball Payne stated that the traffic study indicates that traffic can be accommodated with the removal of the traffic lane. Council discussed the concern expressed by Fisher Auto Parts regarding the removal of a traffic lane in front of their business on Fifth Street. In response to Council questioning, Bob Cornelison, Fisher Auto Parts Distribution Center, stated that he was not sure that the earlier commitment by Council to designate a loading zone in front of their building would work since the large trucks use the center lane as a staging area before backing their trucks into the building's loading dock. Mr. Cornelison stated that designating the "center" lane as either a loading or staging area for delivery trucks would be preferable. Following discussion, it was the consensus of Council that a statement be added to the Fifth Street Corridor Master Plan that would commit to the City's willingness to work with businesses in developing a plan that would accommodate delivery trucks making deliveries to businesses in the 400 block of Fifth Street. Council

Member Seiffert made a motion to adopt the Fifth Street Corridor Master Plan with all amendments to-date, to incorporate the Fifth Street Corridor Master Plan into the City's Comprehensive Plan 2002-2020, and to include a statement in the Fifth Street Corridor Master Plan that would commit to the City's willingness to work with businesses in developing a plan that would accommodate delivery trucks making deliveries to businesses in the 400 block of Fifth Street. The motion was seconded by Council Member Johnson, and Council by the following recorded vote approved the motion:

Ayes: Dodson, Foster, Gillette, Johnson, Seiffert

5

Noes: Helgeson

1

// Deputy City Manager Bonnie Svrcek provided a brief overview regarding five options and the associated fiscal impact for delivering four surplus vehicles to Gulfport, Mississippi, as a donation from the City. Council Member Dodson informed that he had spoken with Rebecca Kajdan, an Assistant to the Mayor of Gulfport, and they have agreed to send individuals to Lynchburg to drive the vehicles back to Gulfport. Council Member Dodson stated that Ms. Kajdan was asked to contact the Deputy City Manager to arrange the pickup of the vehicles.

// During roll call, and in response to Council Member Gillette's question, City Manager Kimball Payne stated that he has asked staff to prepare a proposal to address the failure of the control system for the traffic lights on Main and Church Streets. Council Member Johnson informed regarding lights being out in the vicinity of the parking deck near the Academy Theater on Main Street. In response to Council Member Dodson's question, Deputy City Manager Bonnie Svrcek provided information regarding the recent difficulty encountered with the mailing of the personal property tax notices. Council Member Seiffert informed that the residents of Fairway Court will be coming to City Council in the future to request that commercial vehicles not be allowed to park on residential streets overnight. Vice Mayor Foster expressed concern regarding recent reports concerning vandalism in the Federal/Jackson Street areas in addition to problems on Poplar Street.

// On motion of Council Member Helgeson, seconded by Council Member Gillette, Council by the following recorded vote elected to hold a closed meeting to consider appointments to Council-appointed Boards and Commissions and for consultation with legal counsel regarding a specific legal matter pursuant to Section 2.2-3711 (A) (1) and (7), respectively, of the Code of Virginia:

Ayes: Dodson, Foster, Gillette, Helgeson, Johnson, Seiffert

6

Noes:

0

// The meeting was re-opened to the public.

// The meeting was adjourned at 4:55 p.m.

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Clerk of Council

// Prior to beginning the regular meeting, Vice Mayor Foster stated that City Council needed to approve a certification resolution for the closed meeting that they had just come from that was held at the earlier work session. Vice Mayor Foster called for a motion to approve the certification resolution.

// Council Member Johnson made the following motion:

WHEREAS, the Council of the City of Lynchburg convened a closed meeting at the May 23 work session, pursuant to an affirmative recorded vote and in accordance with the provisions of The Virginia Freedom of Information Act; and

WHEREAS, Section 2.2-3712 of the Code of Virginia requires a certification by City Council that such closed meeting was conducted in conformity with Virginia law;

NOW, THEREFORE, BE IT RESOLVED that the Council of the City of Lynchburg certifies that, to the best of each member's knowledge, (i) only public business matters lawfully exempted from open meeting requirements by Virginia law were discussed in the closed meeting to which this certification resolution applies, and (ii) only such public business matters as were identified in the motion convening the closed meeting were heard, discussed or considered by Council.

The Motion was seconded by Council Member Seiffert, and Council by the following recorded vote adopted the motion:

Ayes: Dodson, Foster, Gillette, Helgeson, Johnson, Seiffert 6

Noes: 0

// A regular meeting of the Council of the City of Lynchburg was held on the 23rd day of May, 2006, at 5:00 P.M. in the Council Chamber, City Hall, Joan F. Foster, Vice President, presiding. Council Member Johnson gave the Invocation, followed by the Pledge of Allegiance. The following Members were present:

Present: Dodson, Foster, Gillette, Helgeson, Johnson, Seiffert 6

Absent: 0

// Copies of the minutes of the May 9, (two meetings), 2006 meetings, having been previously furnished Council, reading was dispensed with, and on motion of Council Member Seiffert, seconded by Council Member Johnson, Council by the following recorded vote approved the minutes as presented:

Ayes: Dodson, Foster, Gillette, Helgeson, Johnson, Seiffert 6

Noes: 0

// In the matter of Police - General, Resolution #R-06-042 amending FY 2006 City/Federal/State Aid Fund Budget and appropriating \$1,500, fully reimbursable, for overtime expenses to effectively carry out selective enforcement activities and investigations, laid over from the May 9, 2006 meeting, was again presented and read, and on motion of Council Member Seiffert, seconded by Council Member Johnson, Council by the following recorded vote adopted the Resolution:

Ayes: Dodson, Foster, Gillette, Helgeson, Johnson, Seiffert 6

Noes: 0

// In the matter of Communications and Marketing – General, Resolution #R-06-043 appropriating \$15,295 to supplement \$25,705 in advertising revenue for the printing and mailing of a citizens' handbook, laid over

from the May 9, 2006 meeting, was again presented and read, and on motion of Council Member Seiffert, seconded by Council Member Johnson, Council by the following recorded vote adopted the Resolution:

Ayes: Dodson, Foster, Gillette, Helgeson, Johnson, Seiffert 6

Noes: 0

// In the matter of Commonwealth Attorney, Resolution #R-06-044 amending FY 2006 General Fund Budget and appropriating \$6,035.70, fully reimbursable, for the Commonwealth's Attorney office for additional equipment needs, laid over from the May 9, 2006 meeting, was again presented and read, and on motion of Council Member Seiffert, seconded by Council Member Johnson, Council by the following recorded vote adopted the Resolution:

Ayes: Dodson, Foster, Gillette, Helgeson, Johnson, Seiffert 6

Noes: 0

// In the matter of Airport – General, Resolution #R-06-045 amending the FY 2006 Airport Projects Grant Fund Budget and appropriating \$17,263, fully reimbursable, to purchase terrorist preparedness enhancements at the Lynchburg Regional Airport, laid over from the May 9, 2006 meeting, was again presented and read, and on motion of Council Member Seiffert, seconded by Council Member Johnson, Council by the following recorded vote adopted the Resolution:

Ayes: Dodson, Foster, Gillette, Helgeson, Johnson, Seiffert 6

Noes: 0

// In the matter of Airport – General, Resolution #R-06-046 amending the FY 2006 Airport Project Grant Fund Budget and appropriating \$140,000, with \$112,000 reimbursement, for realignment of the intersection of Hangar Road and Airport Road, laid over from the May 9, 2006 meeting, was again presented and read, and on motion of Council Member Seiffert, seconded by Council Member Johnson, Council by the following recorded vote adopted the Resolution:

Ayes: Dodson, Foster, Gillette, Helgeson, Johnson, Seiffert 6

Noes: 0

// In the matter of FY2007 Budget/CIP, Budget Ordinance #O-06-051 adopting the FY 2007 Mandated and Contractual Contributory Agencies Budget and appropriating \$5,447,910 for this budget, laid over from the May 9, 2006 meeting, was again presented and read, and on motion of Council Member Seiffert, seconded by Council Member Johnson, Council by the following recorded vote adopted the Ordinance:

Ayes: Dodson, Foster, Gillette, Helgeson, Johnson, Seiffert 6

Noes: 0

// In the matter of FY2007 Budget/CIP, Budget Ordinance #O-06-053 adopting the FY 2007 Central Virginia Community College Board and Related Operations Budget and appropriating \$2,032 for this budget, laid over from the May 9, 2006 meeting, was again presented and read, and on motion of Council Member Seiffert, seconded by Council Member Johnson, Council by the following recorded vote adopted the Ordinance:

Ayes: Dodson, Foster, Gillette, Helgeson, Johnson, Seiffert 6

Noes: 0

// In the matter of FY2007 Budget/CIP, Budget Ordinance #O-06-054 adopting the FY 2007 Court Appointed Special Advocate Budget and appropriating \$12,000 for this budget, laid over from the May 9, 2006 meeting, was again presented and read, and on motion of Council Member Seiffert, seconded by Council Member Johnson, Council by the following recorded vote adopted the Ordinance:

Ayes: Dodson, Foster, Gillette, Helgeson, Johnson, Seiffert 6

Noes: 0

// In the matter of FY2007 Budget/CIP, Budget Ordinance #O-06-055 adopting the FY 2007 Greater Lynchburg Transit Company Budget and appropriating \$945,972 for this budget, laid over from the May 9, 2006 meeting, was again presented and read, and on motion of Council Member Seiffert, seconded by Council Member Johnson, Council by the following recorded vote adopted the Ordinance:

Ayes: Dodson, Foster, Gillette, Helgeson, Johnson, Seiffert 6

Noes: 0

// In the matter of FY2007 Budget/CIP, Budget Ordinance #O-06-056 adopting the FY 2007 Region 2000 Economic Development Partnership Budget and appropriating \$65,269 for this budget, laid over from the May 9, 2006 meeting, was again presented and read, and on motion of Council Member Seiffert, seconded by Council Member Johnson, Council by the following recorded vote adopted the Ordinance:

Ayes: Dodson, Foster, Gillette, Helgeson, Johnson, Seiffert 6

Noes: 0

// In the matter of FY2007 Budget/CIP, Budget Ordinance #O-06-057 adopting the FY 2007 Robert E. Lee Soil & Water Conservation District Budget and appropriating \$10,000 for this budget, laid over from the May 9, 2006 meeting, was again presented and read, and on motion of Council Member Seiffert, seconded by Council Member Johnson, Council by the following recorded vote adopted the Ordinance:

Ayes: Dodson, Foster, Gillette, Helgeson, Johnson, Seiffert 6

Noes: 0

// In the matter of FY2007 Budget/CIP, Budget Ordinance #O-06-058 adopting the FY 2007 Virginia Legal Aid Society Budget and appropriating \$10,000 for this budget, laid over from the May 9, 2006 meeting, was again presented and read, and on motion of Council Member Seiffert, seconded by Council Member Johnson, Council by the following recorded vote adopted the Ordinance:

Ayes: Dodson, Foster, Gillette, Helgeson, Johnson, Seiffert 6

Noes: 0

// In the matter of FY2007 Budget/CIP, Budget Ordinance #O-06-060 adopting the FY 2007-2011 Capital Improvement Program, laid over from the May 9, 2006 meeting, was again presented and read, and on motion of Council Member Seiffert, seconded by Council Member Johnson, Council by the following recorded vote adopted the Ordinance:

Ayes: Dodson, Foster, Gillette, Helgeson, Johnson, Seiffert 6

Noes: 0

// In the matter of FY2007 Budget/CIP, Budget Ordinance #O-06-061 adopting the FY 2007 Capital Budget and appropriating \$31,414,710 for the City Capital Projects Fund; \$1,858,140 for the Schools Capital Projects Fund; \$943,421 for the Airport Capital Projects Fund; \$1,630,000 for the Water Capital Projects Fund; and \$5,700,000 for the Sewer Capital Projects Fund, laid over from the May 23, 2006 meeting, was again presented and read, and on motion of Council Member Seiffert, seconded by Council Member Johnson, Council by the following recorded vote adopted the Ordinance:

Ayes: Dodson, Foster, Gillette, Helgeson, Johnson, Seiffert	6
Noes:	0

// Vice Mayor Foster announced that the City received a plaque from the Lord Provost of the City of Aberdeen, Scotland.

// Vice Mayor Foster recognized Heritage High School students Ronnie Coleman, Jeremy Thomas, Josh Sanchez and instructor Rich Glover for producing a public service commercial to promote seatbelt safety as part of the Buckle Up Challenge 2006 Public Service Contest. Vice Mayor Foster stated that their commercial was named number one in the state and will be shown on television statewide.

// In the matter of Schools – General, a second public hearing was held to receive the views and/or nominations of the citizens of Lynchburg concerning Council's appointments or re-appointments for three positions on the Lynchburg School Board, one from each school district. Vice Mayor Foster announced that five additional names have been received since the May 9 public hearing: District 1: Russell N. Davidson and Brenda Morton; District 2: Atul Gupta, Jeffrey Pixton and Rev. Keith Anderson. There was no one present who wished to speak to this item, and on motion of Council Member Johnson, seconded by Council Member Seiffert, Council by the following recorded vote closed the public hearing:

Ayes: Dodson, Foster, Gillette, Helgeson, Johnson, Seiffert	6
Noes:	0

// Vice Mayor Foster announced that appointments to the School Board would be made in June.

// In the matter of FY2007 Budget/CIP, Budget Ordinance #O-06-050 adopting the FY 2007 Proposed General Fund Operating Budget (excluding Contributory Agency expenditures) and appropriating \$161,161,970 for this budget, laid over from the May 9, 2006 meeting, was again presented and read, and on motion of Council Member Gillette, seconded by Council Member Johnson, Council by the following recorded vote adopted the Ordinance:

Ayes: Dodson, Foster, Gillette, Johnson	4
Noes: Helgeson, Seiffert	2

// In the matter of FY2007 Budget/CIP, Budget Ordinance #O-06-052 adopting the FY 2007 Central Virginia Area Agency on Aging Budget and appropriating \$15,000 for this budget, laid over from the May 9, 2006 meeting, was again presented and read, and on motion of Council Member Johnson, seconded by Council Member Dodson, Council by the following recorded vote adopted the Ordinance:

Ayes: Dodson, Foster, Gillette, Johnson	4
Noes: Helgeson, Seiffert	2

// In the matter of FY2007 Budget/CIP, Budget Ordinance #O-06-059 adopting all other FY 2007 Proposed Operating Fund Budgets and appropriating the sums for each fund, laid over from the May 9, 2006 meeting, was again presented and read, and on motion of Council Member Dodson, seconded by Council Member Gillette, Council by the following recorded vote adopted the Ordinance:

Ayes: Dodson, Foster, Gillette, Johnson 4

Noes: Helgeson, Seiffert 2

// On motion of Council Member Johnson, seconded by Council Member Gillette, Council by the following recorded vote elected to hold a closed meeting to consider appointments to Council-appointed Boards and Commissions and for discussion concerning the location of a prospective business or industry in the City where no previous announcement has been made of the business' or industry's interest in locating its facilities in the community pursuant to Section 2.2-3711(A)(1) and (5), respectively, Code of Virginia (1950), as amended:

Ayes: Dodson, Foster, Gillette, Helgeson, Johnson, Seiffert 6

Noes: 0

// The meeting was re-opened to the public.

// Council Member Johnson made the following motion:

WHEREAS, the Council of the City of Lynchburg has convened a closed meeting on this date, pursuant to an affirmative recorded vote and in accordance with the provisions of The Virginia Freedom of Information Act; and

WHEREAS, Section 2.2-3712 of the Code of Virginia requires a certification by City Council that such closed meeting was conducted in conformity with Virginia law;

NOW, THEREFORE, BE IT RESOLVED that the Council of the City of Lynchburg certifies that, to the best of each member's knowledge, (i) only public business matters lawfully exempted from open meeting requirements by Virginia law were discussed in the closed meeting to which this certification resolution applies, and (ii) only such public business matters as were identified in the motion convening the closed meeting were heard, discussed or considered by Council.

The Motion was seconded by Council Member Gillette, and Council by the following recorded vote adopted the motion:

Ayes: Dodson, Foster, Gillette, Helgeson, Johnson, Seiffert 6

Noes: 0

// In the matter of Appointments, and on nomination of Council Member Johnson, Council by the following recorded vote appointed Lynn Brooks, Tony Camm, April Cheek, Jim Daly, Anne Dixon, Eleanor Dovel, Paula Dubay, Chip Garcia, Christian Hutter, Jon Kukla, Molly Levering, JoAnn Brown Martin, Katie Meeks, Barry Moore, Mary Jane Russell, Sally Ann Schneider, W. Scott Smith and Gregory Starbuck to serve on the Tourism Task Force for terms to expire December 31, 2007:

Ayes: Dodson, Foster, Gillette, Helgeson, Johnson, Seiffert 6

Noes: 0

// The meeting was recessed at 6:39 P.M. to June 13, at 2:00 P.M., to conduct interviews of candidates interested in serving on the Lynchburg School Board.

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Clerk of Council